# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 11352 of 2002

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE JAYANT PATEL**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**AJITKUMAR VASANTLAL ZAVERI - Petitioner(s)**

**Versus**

**MUNICIPAL CORPORATION FOR THE CITY OF SURAT - Respondent(s)**

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**Appearance :**

MR CL SONI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,
MR PRASHANT G DESAI for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL**

**Date : 29/11/2005**

**ORAL JUDGMENT**

1.After the arguments were heard and when the court was to dictate the order Mr.Soni, Ld.advocate for the petitioner prayed that the petitioner may be granted

permission to withdraw the petition since the petitioner is abandoning the challenge to the impugned order. However, he submitted that the benefit even as per the impugned order is required to be paid to the petitioner as the petitioner has continued in service lawfully upto 1992 with consequential pensionary benefits etc.

2. Mr.Desai, Ld.Advocate for the respondent corporation submitted that the corporation has no objection in paying the benefits in pursuance of the impugned order dated 27.8.02 which is the subject matter of this petition.

3. Under the above circumstances, the corporation shall abide by the statement made by its counsel to pay the benefits as if the impugned order dated 27.8.02 operates and the disbursement thereof shall be made within a period of four weeks from the date of receipt of writ of this court.

4. Subject to aforesaid observation and directions permission is granted. Petition is rejected. Rule is discharged. Considering the facts and circumstances, there shall be no order as to costs.

29.11.2005/murty (JAYANT PATEL,J)